

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF MISSISSIPPI  
SOUTHERN DIVISION

MICHAEL McCOY

PLAINTIFF

V.

CIVIL ACTION NO. 1:06cv4-LTS-RHW

STATE FARM FIRE AND CASUALTY COMPANY

DEFENDANT

**ORDER**

This cause of action is to be tried on June 4, 2007. Defendant has filed a [70] Motion to Quash Trial Subpoena and to Preclude Plaintiff from Introducing as Evidence the Documents Sought by the Subpoena. The subpoena, which was served on State Farm employee Terry Blalock, was returned executed on May 23 [71]. Attached to the subpoena is a one-page list of documents that Plaintiff wants Mr. Blalock to bring to trial. They consist essentially of State Farm manuals or guidelines dealing with the wind/hail provisions of its insurance policy, and communications between State Farm and Dreux Seghers, a consulting engineer.

Attached to Defendant's motion is a copy of the final pretrial order [64], on which it buoys its argument that the documents sought by the subpoena are not listed or otherwise identified in the order. However, no mention is made of an exception contained in the order for exhibits to be used for impeachment purposes only.

Plaintiff's [72] response to the motion is that impeachment is precisely the purpose of this material, and that Mr. Blalock's personal attorney has been so advised. Of course, the motion to quash was filed by State Farm, not Mr. Blalock. The information is part of State Farm's ordinary course of business and maintained by Mr. Blalock during the course and scope of his employment.

The [70] Motion to Quash Trial Subpoena will not be granted. However, in any event, Plaintiff will be required to establish the proper evidentiary predicate for any document he wishes to admit into evidence at trial.

Accordingly, **IT IS ORDERED:**

Defendant's [70] Motion to Quash Trial Subpoena is **DENIED**.

**SO ORDERED** this the 24<sup>th</sup> day of May, 2007.

s/ L. T. Senter, Jr.  
L. T. SENTER, JR.  
SENIOR JUDGE